



**PLANNING COMMITTEE:
6TH SEPTEMBER 2018**

Report of: Director of Development and Regeneration

Contact: Mrs. C. Thomas (Extn.5134)
Email: catherine.thomas@westlancs.gov.uk

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

2.0 ITEM 7 – PLANNING APPLICATIONS

REPORT NO. 2 – 50 ST HELENS ROAD, ORMSKIRK

I have received a further neighbour representation expressing the view that the increase in cars at the property which he estimates to be in the region of 350% would create significant noise and pollution and result in a significant loss of amenity to neighbouring residents.

The representation also draws attention to the decision for 91 Wigan Road referenced in the Committee report and queries why the intensification in the number of occupants at that property was considered to result in a loss of amenity for neighbouring residents but a similar increase in occupancy levels at 50 St Helen's Road is not considered to result in a level of harm to the amenities of nearby residents sufficient to warrant a refusal of the planning application.

The applicant has also submitted further supporting information to the Council to clarify some points and to address matters which were discussed during the last Planning Committee meeting in July.

The applicant advises that Ormskirk Lettings is no longer the property management company for the property. Rebell Property Ltd took over the management of 50 St Helens Road in July 2018. Rebell currently own / manage the majority of the student houses on the adjoining Small Lane, including 1 Small

Lane, which is attached to 50 St Helens Road. He is of the view that Rebell have good relationships both with the University, and the neighbouring properties to 50 St Helens Road.

The applicant indicates that:-

There will be no trees / greenery / borders / removed from the site at 50 St Helens Road in order to facilitate the parking requirement, as the space already exists;

The parking area available on site is adequate to provide an appropriate number of spaces for the proposed use. The property currently has an HMO licence for 7 residents, the rear yard is currently hard surfaced and the scheme does not represent a 350% increase in parking provision.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The application was withdrawn from the last Committee to enable officers to have further discussions with the Highway Authority and to consider previous decisions for other similar planning applications

Following on from the last Planning Committee meeting additional clarification has been received from the Highway Authority. The Highway Engineer confirms that a site visit was conducted and the accident record in the vicinity of the site was checked prior to providing comments on 3rd April. The Highway Authority reiterates its comments that the additional vehicular parking associated with the use of the site as a 10 bed HMO would not be detrimental to highway safety.

Officers have also reviewed previous decisions for other planning applications, in particular 91 Wigan Road. As Members are aware planning applications are assessed on their individual merits. In my view the Wigan Road site and the application site are dissimilar in character and I cannot conclude that Policy RS3 provides a basis to refuse the St Helen's Road application as I do not consider the intensification of use on this site would be harmful to the character of the area or amenities of nearby residents, sufficient to warrant a refusal of planning permission.

Whilst I note comments from both the applicant and neighbour regarding the intensification of the use of the car parking area, given the boundary screening and location of the vehicular entrance I do not consider use of the facility would cause noise or disturbance to the neighbouring properties sufficient to warrant a refusal of planning permission.

REPORT NO. 4 – WRIGHTINGTON HOSPITAL, HALL LANE

During the committee site visits held earlier this week, Members raised concern over the removal of Oak trees in the proposed car park. The applicant has submitted a revised landscaping plan which shows the Oak trees will remain in situ with no net loss to car parking as additional car parking spaces will be provided in an existing car park to the east of Wrightington Hall.

Following compilation of the agenda report additional comments have now been received from MEAS.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

In respect of the Bat Surveys and Method Statement, MEAS advise that these are acceptable but as the proposals involve the destruction of a bat roost then the proposal must be assessed against the three tests set out in the Habitat Regulations as follows:-

Test 1: Regulation 53 (2) (e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*. The proposed development is for an extension to Wrightington Hospital including the development of a research facility. This test has been satisfied.

Test 2: Regulation 53 (9) (a): *“that there is no satisfactory alternative”*. The proposals include the demolition of a building which is currently unused and is unsuitable for the proposed new use. The site is the most suitable location for the proposals on the hospital grounds. Therefore, this test has been satisfied.

Test 3: Regulation 53 (9) (b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*. The proposals affect small numbers of common bat species and therefore they are unlikely to have detrimental effects on the favourable conservation status of bat species. Suitable mitigation has been provided in section 7.0 of the Bat Surveys & Method Statement Report which will be secured by a suitably worded planning condition. With this mitigation this test has been satisfied.

Subject to the imposition of conditions relating to protected species mitigation, I am satisfied that the proposed development is compliant with Policy EN2 of the Local Plan.

Adjustment to recommendation

That paragraph 12.1 and 12.2 of the agenda report be adjusted to read as follows:

12.1 The proposed development is considered to be acceptable in principle and therefore it is recommended that the decision to grant planning permission be **delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee**, subject to confirmation of no objections from the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) 2009 Direction.

12.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 12.1 above be subject to the following conditions:

Adjustments to conditions

As a result of amendments to the car parking proposals conditions number 2 (Plans) and 20 (Landscaping) are updated to read:

Condition 2 - *The development hereby approved shall be carried out in accordance with details shown on the following plans:-*

Plan reference AL-20201 Rev P5, AE-20003 Rev P3, AL-20001 Rev P5, AL-20003 Rev P1, AL-20101 Rev P5, AL-90004 Rev P1, AE-20001 Rev P3, AE-20004 Rev P3, AL-20103 Rev P1, AL-20102 Rev P2, AL-20202 Rev P2, AL-20302 Rev P2, AL-20203 Rev P1, AL-20002 Rev P2, AL-20402 Rev P1, AL-20401 Rev P3, AL-20403 Rev P1, AS-20051 Rev P4, AS-20052 Rev P3 and AS20053 Rev P2 received by the Local Planning Authority on 5th March 2018.

Plan reference Obscure Glazing Plan (Proposed Section & Proposed Level 1 Plan) received by the Local Planning Authority on 18th May 2018.

Plan reference AE-20002 Rev T2 received by the Local Planning Authority on 21st June 2018.

Plan reference AL-90002 Rev T2 received by the Local Planning Authority on 4th September 2018.

Condition 20 - *The landscaping scheme shall be carried out as shown on Drawing Number 58517-DAY-00-00-A-AL-90002 Rev T2 received by the Local Planning Authority on 4th September 2018. Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting*

As a result of advice from MEAS the following additional conditions are recommended:

Condition 23 - *The mitigation proposals set out in section 7.0 of report 'Bat Survey and Method Statement Report' received on 27th July 2018 shall be implemented in full throughout the duration of the development, subject to any amendments required by Natural England at licensing stage.*

Reason - *In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*

Condition 24 - *No development shall commence until a copy of the bat license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 or a Registered Consultant under the Bat Low Impact Class License authorising the specified development to go ahead has been submitted to and agreed in writing by the Local Planning Authority. If you choose to use a Registered Consultant under the Bat Low Impact Class Licence, then you should provide evidence of the successful registration of the site under the scheme.*

Reason - *In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*

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